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09/867,054

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William A. Rozzi

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EXAMINER

LUU, MATTHEW

ART UNIT

PAPER NUMBER

2672

8

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/867,054

Applicant(s)

ROZZI, WILLIAM A.

Examiner

LUU MATTHEW

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6-18,21-28,31-33,36-38 and 41-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-18,22-28,31-33,36-38 and 41-43 is/are rejected.
- 7) ☒ Claim(s) 21,44 and 45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4, 6-18, 22-28, 31-32, 38, and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi et al (6,480,202) in view of Liang (5,579,031).

regarding claim 1, Deguchi discloses (Fig. 15) a display device comprising:  
a display (monitor 103-2) that presents a color image including a housing; and  
a processor (600) that adjusts the color image presented by the display, wherein  
the processor:

receives color input including input color image data through internet (500);  
processes the color input based on a source device profiled associated with a  
source imaging device (monitor 103-1 and profile C in memory 104a-1) and a display  
profile (profile E) associated with the display (monitor 103-2) to generate altered color  
image data; and outputs the altered color image data to the display (monitor 103-2) to  
present the color image. See column 15, line 13 to column 16, line 5.

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The only difference between the disclosure of Deguchi and the claimed invention is that the claim 1 requires the processor is within the housing of the display.

However, it has been recognized in re Larson, 144 USPQ 347 (CCPA 1965) and In re Lockhart, 90 USPQ 214 (CCPA 1951) that whether the processor and the display are used separately or in combination, it would perform the same function.

Furthermore, Liang(5,579,031)discloses (Figs. 1 and 2) an apparatus for producing at least two matched color displays of a digital image using two different display devices, wherein the processor is housed within a color matching hardware unit (workstation 10), which itself may comprise a display device. See column 5, lines 3-9. Therefore, it is obvious to the person of ordinary skill in the art to use the color matching hardware unit (10) of Liang into the color adjusting display system of Deguchi to provide a color matching in a plurality of displays system, wherein the display emission characteristics in addition to illuminant conditions surrounding the display device (ambient light) can be used for providing a more accurate and intuitive color matching technique.

Furthermore, it would have been obvious to a person of ordinary skill in the art to use the teaching of a processor, which is integrated within the housing of a display device since it has been recognized in re Larson, 144 USPQ 347 (CCPA 1965) and In re Lockhart, 90 USPQ 214 (CCPA 1951) that whether the processor and the display are used separately or in combination, it would perform the same function.

Regarding independent claim 22, which are much broader than claim 1 above, please note the rejection as set forth above with respect to claim 1 above.

Regarding claims 3 and 23, Deguchi discloses (Figs. 8 and 10) wherein the processor receives internal color input (Fig. 8, ambient light input section 101) and external color input (Fig. 10, GUI input). See column 7, lines 11-19.

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Regarding claims 4, 25, and 28, Deguchi further discloses (Fig. 1) wherein the color input includes a display profile (monitor 3), a source device profile (scanner 2 or camera 1), and image data (camera 1). See column 1, line 49 to column 2, line 4).

Regarding claims 6, 24, and 26, Deguchi discloses (Fig. 8) wherein the internal color input includes sensed conditions (ambient light input section 101).

Regarding claim 7, Deguchi discloses (Fig. 10, GUI input) wherein the external color input includes user input. See column 7, line 59 to column 8, line 4.

Regarding claims 8 and 27, wherein the external color input includes image data (camera 1). See column 1, line 64 to column 2, line 4.

Regarding claim 9, it is inherent that the processor (image processing section 100 and memory section 104) is an application specific integrated circuit (ASIC), since the computer processor is made up with computer IC chips that run application programs.

Regarding claim 10, Deguchi discloses (Fig. 1) wherein the display is one of the following: cathode ray tube, flat panel display, digital paper, plasma display, and electronic ink display. See column 1, lines 19-22.

Regarding claim 13, wherein the images rendered on the display substantially visually match images rendered by a source device associated with the source profile. See column 1, line 61 to column 2, line 4.

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Regarding claim 14 , Deguchi further discloses (Fig. 8) an archive (memory 104a, 104b) coupled to the processor (100).

Regarding claims 15, 31, and 32, Deguchi discloses (Figs. 1 and 2) the color profile links (common color space CIE/XYZ, CIE/L\*a\*b\*). See column 1, lines 54-60; column 2, lines 21-27; and column 7, lines 27-35.

Regarding claims 16 and 17, Deguchi fails to disclose that the archive comprises electrically-erasable-programmable-read-only-memory (EEPROM) or random access memory (RAM).

However, it is obvious to a person of ordinary skill in the art to recognize that the type of memory being used to store data is an obvious design choice since it is not a critical to the function of the display device.

Regarding claim 18, note the rejection as set forth above with respect to claim 1.

Regarding claim 38, note the rejection as set forth above with respect to claim 1. Deguchi further discloses (Fig. 8) an integral color matching processor (100); a color management control (monitor control section 102, image processing section 100, and memory section 104) coupled to the display device (103); and at least one printing device (4).

The only difference between the disclosure of Deguchi and the claimed invention is that the claim 38 requires the processor is within the housing of the display.

However, it has been recognized in re Larson, 144 USPQ 347 (CCPA 1965) and In re Lockhart, 90 USPQ 214 (CCPA 1951) that whether the processor and the display are used separately or in combination, it would perform the same function.

However, Liang (5,579,031) discloses (Figs. 1 and 2) an apparatus for producing at least two matched color displays of a digital image using two different display devices, wherein the

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processor is housed within a separate color matching hardware unit (workstation 10). See column 5, lines 3-9.

Since Deguchi also teaches his display device is a color matching hardware unit (column 4, lines 55-58), it is obvious to the person of ordinary skill in the art to use the separate color matching hardware unit (10) of Liang into the color adjusting display system of Deguchi to provide a color matching in a plurality of displays system, wherein the display emission characteristics in addition to illuminant conditions surrounding the display device (ambient light) can be used for providing a more accurate and intuitive color matching technique. Furthermore, a multiple displays "soft proofing" system is well known in the art.

Regarding claims 41-43, note the rejection as set forth above with respect to claim 38. Deguchi fails to explicitly teach wherein the integral color matching processors are internal or a separate hardware color matching unit to the display devices.

However, Liang (5,579,031) discloses (Figs. 1 and 2) an apparatus for producing at least two matched color displays of a digital image using two different display devices, wherein the processor is housed within a separate color matching hardware unit (workstation 10). See column 5, lines 3-9.

Since Deguchi also teaches his display device is a color matching hardware unit (column 4, lines 55-58), it is obvious to the person of ordinary skill in the art to use the separate color matching hardware unit (10) of Liang into the color adjusting display system of Deguchi to provide a color matching in a plurality of displays system, wherein the display emission characteristics in addition to illuminant conditions surrounding the display device (ambient light) can be used for providing a more accurate and intuitive color matching technique.

### ***Claim Rejections - 35 USC § 103***

Claims 33, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi in view of Liang as applied to claim 1 above, and further in view of Edge et al (6,088,038) (filed with the IDS statement submitted on 8/23/2001).

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Regarding independent claim 33, please note the rejection as set forth above with respect to claim 1 above. Deguchi further discloses (Fig. 8) an archive (memory 104a, 104b) coupled to the processor (100). Deguchi also discloses (Figs. 1 and 2) the color profile links (common color space CIE/XYZ, CIE/L\*a\*b\*). See column 1, lines 54-60; column 2, lines 21-27; and column 7, lines 27-35.

The only difference between the disclosure of Deguchi and the claimed invention is that the claim 33 requires a link indicative of color mapping.

However, Edge discloses (Fig. 4) a link generator for color mapping. It would have been obvious to the person of ordinary skill in the art to use the color mapping system of Edge into the color correction device of Deguchi, as modified by Liang, to provide a color mapping technique that generates a color map that can be used to transform the color response of one color imaging system to match color response of another color imaging system.

Regarding claim 36 Deguchi further discloses (Fig. 1) wherein the color input includes a display (monitor 3), a source device profile (scanner 2 or camera 1), and image data (camera 1). See column 1, line 49 to column 2, line 4).

Regarding claim 37, Deguchi discloses (Figs. 8 and 10) wherein the processor receives internal color input (Fig. 8,



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ambient light input section 101) and external color input (Fig. 10, GUI input). See column 7, lines 11-19.

### ***Allowable Subject Matter***

Claims 21, 44, and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-4, 6-18, 22-28, 31-33, 36-38, and 41-43 have been considered but are moot in view of the new ground(s) of rejection.

It has been recognized in re Larson, 144 USPQ 347 (CCPA 1965) and In re Lockhart, 90 USPQ 214 (CCPA 1951) that whether the processor and the display are used separately or in combination, it would perform the same function.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (703) 305-4850. The examiner can normally be reached on 9 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAZAVI MICHAEL can be reached on (703) 305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M. Luu

**MATTHEW LUU**  
**PRIMARY EXAMINER**